

Newton New Hampshire Subdivision Regulations

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SECTION I - AUTHORITY

Under the authority vested in the Newton Planning Board by Town Meeting vote in March of 1965, and in accordance with current New Hampshire State Law, including, but not limited to, Chapters 672 through 677 (as amended), particularly sections 674:35 and 674:36 of the Revised Statutes Annotated (RSA) of the State of New Hampshire, the Newton Planning Board, herein after referred to as "Board", adopts the following Regulations governing the Review of the subdivision of land within the Town of Newton, New Hampshire. These regulations repeal and replace all previously adopted Subdivision regulations.

SECTION II - TITLE

These regulations shall be known, and may be cited as, the Town of Newton Subdivision Regulations, hereinafter referred to as Subdivision Regulations or Regulations. The current set of Regulations revise and replace any prior Subdivision Regulations, as amended, and take effect upon adoption by the Board, and filing with the Town Clerk of the Town of Newton, in accordance with RSA 675:6. A copy shall also be filed with the New Hampshire (NH) Office of Energy and Planning (OEP) in accordance with RSA 675:9.

SECTION III - PURPOSE AND INTENT

Consistent with the enabling legislation cited above, the purpose of these Regulations are to ensure that the subdivision of land is consistent with the enumerated purposes of RSA 674:36, as amended, which are incorporated by reference herein, and that all subdivision and development shall be consistent with the following purposes:

- 3.1 Subdivision of land and development shall not be scattered or premature as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services.
- 3.2 Proposed streets shall be properly arranged and coordinated in relation to other existing or planned streets.
- 3.3 Subdivision and development shall be harmonious with the Town and its environs. Developments must contribute to a rational and safe transportation system, provision of appropriate recreational opportunities, and must not be inconsistent with the recommendations of the Newton Master Plan.
- 3.4 Subdivision of land and development shall be provided with adequate services and utilities. (See 8.2 for specific requirements).
- 3.5 Suitably located streets shall be required of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for fire-fighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system.
- 3.6 Subdivision of land and development shall promote and not harm the public's health, safety, and welfare.
- 3.7 Provision of open spaces and green spaces of adequate proportion. (See 8.2.13 for guidance).
- 3.8 Subdivisions that show new streets or narrowing or widening of such streets shall show a park or parks suitably located for playground or other recreational uses purposes. (See 8.2.13).

SECTION IV – JURISDICTION

These provisions shall govern all subdivision of land within the Town of Newton. The Board shall require the submission of plans and application and Board approval prior to the transfer, sale, lease or rent of lots or any other portion of a subdivision of land; before construction, land clearing, or building development is begun; and furthermore, prior to any plat or plan showing the subdivision of land is recorded at the Rockingham County Registry of Deeds.

In all cases, no building permit shall be issued by the building inspector for the construction of any building on land subject to these regulations, until final approval is granted by the Board, and no certificate of occupancy shall be issued until the terms and conditions of the Board's subdivision approval have been fulfilled.

SECTION V - DEFINITIONS

Abutter: abutter shall mean any person whose property is located in New Hampshire adjoins, or is directly across a street or stream from, the land under consideration by the Board. For purposes of receiving testimony only and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration, for purposes of these regulations anyone who owns land within 100' of the site is presumed to be directly affected. For purposes of receipt of notification by the Town of a Board hearing, in the case of an abutting property being under condominium or other collective ownership, the term abutter shall mean the officers of the collective or association, as defined in RSA 356-B:3, XXIII, and any amendments thereto.

Acceptance: an affirmative vote by a majority of the Planning Board at a public meeting that an application contains all of the items required by the subdivision regulations.

Applicant: applicant shall mean the owner of record of the land which is proposed to be subdivided, including any subsequent owner of record who proposes such development, or the duly authorized, in writing, agent of any such owner.

Approval: action by a majority of the Planning Board signifying that the proposal meets all applicable regulations and that there are no unresolved concerns requiring further Board consideration.

Approval with Conditions Precedent: action by a majority of the Board that signifies that not all of the applicable regulations have been met but that require only minor revisions or non-discretionary issues such as receiving state permits, bonds to be posted with the town, or payment of fees. This action is not a final action of the Board and plats shall not be signed. Such approvals may have reasonable time limits for compliance. However, in certain circumstances, such action may result in a final action for purposes of appealing the decision to the courts.

Approval with Conditions Subsequent: action by the Board which includes conditions that appear on the plat or within the minutes or decision which place restrictions on the use of the property or safeguards that must be observed during development of the parcel or once the project is in use. Such issues might include the location of a road, preservation of vegetation and stone walls, etc. Such action is a final action and can result in the signing of plats as long as other issues are met.

Board: shall mean the Planning Board of the Town of Newton, New Hampshire as established under the provisions of RSA 673:2, as amended.

Certified Soil Scientist: a person qualified in soil classification and mapping whom is certified by the State of New Hampshire.

Commercial Uses: As defined by the Town of Newton Zoning Ordinance.

Community Wastewater System: A non-municipal wastewater disposal system that serves more than one lot. When this type of system is proposed, the design and specifications for the same shall be submitted and shall have been certified by a professional engineer qualified and registered under applicable New Hampshire statutes.

Community Water Supply: A non-municipal water supply system that serves more than one lot. When this type of system is proposed, the design and specifications for the same shall be submitted and shall have been certified by a professional engineer qualified and registered under applicable New Hampshire statutes.

Completed Application: this term refers to the application form with all information completed as requested on the form (with the exception of requested waivers from applicable regulations), all attachments, drawings, approvals, additional studies, and other paperwork as requested in the form, elsewhere in these regulations, or required by the Planning Board, and all fees and administrative expenses as indicated in these regulations. The information provided shall provide sufficient information to allow the Board to proceed with consideration and to make an informed decision. Once accepted an application shall become a public document and carries no restriction as to reproduction or availability.

Critical Areas: Areas of any size within 100 feet of a stream, water body, or poorly or very poorly drained soils; areas containing slope lengths exceeding 25 feet on slopes greater than 15 percent; or critical habitat.

Development: this term shall mean the construction of improvements on a tract or tracts of land, including the enlargement of a structure or physical changes to the site in an effort to accommodate an intended use.

Easement: an easement shall mean the private landowners right or privilege that a person may have in another's land usually for the purpose of installing and/or maintaining utilities, drainage ways, or for access. Such areas shall not be considered presumptive locations for public roadways unless specifically approved as such by the Planning Board.

Engineer or Surveyor: these terms shall denote the duly designated, legally recognized, New Hampshire licensed engineer or surveyor employed by the applicant as may be pertinent to the actual services to be performed in accordance with the provisions set forth in RSA 310-A, as amended.

Hardpan: this term refers to a compact soil layer high in silt and very fine sand, generally low in clay; its permeability is less than 0.6 inches per hour.

Improvement: this term shall refer to site grading, landscaping, street or road construction, and utilities (including water, sewer, electric, gas, storm drainage, and their appurtenances) to be installed or agreed to be installed by the applicant on land to be used for public or private streets and easements or other purposes as are necessary for general development of the site. Agricultural and silvicultural activities are not necessarily improvements under this definition and may require a case-by-case analysis.

Individual waste disposal system: this term refers to any sewage disposal and/or treatment system other than a municipal system or community system.

Individual water supply system: this term refers to any water supply system other than a municipal system or a public water system, which provides potable water.

Lot: this term refers to a piece or parcel occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by these regulations and/or the Newton Zoning Ordinance, and having frontage on a public street.

Lot Line Adjustment: a lot line adjustment or boundary line agreement where no buildable lots are created. Such action requires notice and opportunity to be heard but does not require a public hearing for Board action.

Plat or Plan: refers to the complete set drawings, reports, and accompanying information that comprises a submittal in accordance with these regulations. Statements made by the applicant or applicant's agent at

public hearings shall also be considered an integral part of the plat or plan upon which a decision was made.

Public Meeting: is any meeting of the Planning Board that has been properly noticed in accordance with these regulations and/or RSA 91-A, as applicable.

Regional Impact: refers to a proposal before the Planning Board that could reasonably be expected to impact on neighboring municipality, because of factors such as, but not limited to, size, proximity to border, transportation, emissions, water resource impact, and shared facilities.

Right-of-way: refers to any area or interest in land that is intended for public traverse, whether accepted by the town or not.

Seasonal high water table (SHWT): this term refers to the upper limit of the ground water in a soil that becomes seasonally saturated with water.

Sensitive Areas: this term refers to land and resources that possess environmental, cultural, or historic factors that warrant special consideration during Planning Board review. Such area may include, but are not limited to, historic homes, stream banks, wetlands, wildlife habitat (plant and animal), trails, etc.

Stream: A course of water that flows for sufficient time of the year to develop and maintain defined channels by may not flow during dry portions of the year. Includes but is not limited to all perennial and intermittent streams located on USGS maps.

Street: as set forth in RSA 672:13, street means, relates to and includes street, avenue, boulevard, road, land, alley viaduct, highway, freeway and other ways. The term "streets" shall also apply to areas on any plans designated as streets, roads, lanes, etc.

Subdivision: subdivision means the division of a lot, tract, or parcel (which may include one or more tracts, lots, or parcels) of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, for sale, rent, lease, or building development: in short, any division of land which creates the potential for additional dwelling units or bedrooms. The term includes resubdivision, and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision for the purpose of these regulations, in accordance with RSA 672:14, as amended.

Submission: this term refers to the process of applying to the Board for site plan review, formal submission is the formal presentation of a site plan to the Board at a public hearing, submission is a prerequisite for acceptance of a complete application.

Upland Soils: refers to soils that are not poorly or very poorly drained in accordance with these regulations.

SECTION VI - PROCEDURE

6.1 FORMAL APPLICATION (Amended January 2008)

Application Procedures and Fees shall be in accordance with the Town of Newton Planning Board Policies and Procedures Manual, as amended.

SECTION VII - GENERAL PRINCIPLES

7.1 OVERVIEW

An applicant shall use the following general principles when designing a subdivision plan for land within the Town of Newton. These principles and requirements shall be construed as the minimum

requirements. The Board, at its discretion, may require higher standards in individual cases, or may waive certain requirements in accordance with the procedures outlined in these regulations.

7.2 GENERAL PRINCIPLES

An applicant shall observe each and every of the following general principles of residential development.

- A. The subdivision plan shall be in harmony and consistent with the Town's Master Plan, Zoning Ordinance, and the Subdivision Regulations.
- B. Subdivision plans shall conform to all regulations of the Board, and other applicable Town by-laws, ordinances, regulations, and statutes of the local, state and federal governments.
- C. Land unsuitable for development due to the presence of poorly drained soils, very poorly drained soils, flood hazards, steep slopes or other conditions constituting a danger to health, safety, or the environment, shall not be approved for development unless the applicant can present satisfactory evidence or data to the Board, establishing the methods which will be used to overcome such conditions and their adequacy. Land with inadequate capacity for sanitary sewage disposal shall not be developed.
- D. The Board, at its discretion, will not approve scattered or premature development as would impose danger or injury to the general public health, safety and welfare due to the lack of water supply, drainage, sewage disposal, transportation, or other public services; nor will the Board approve such development which will necessitate an excessive expenditure of public funds for the supply of such services.

A "scattered and premature" development is one that poses a danger to the public through insufficiency of services. This section sets up a guide for the Planning Board's determination. The Board must ascertain what amount of development, in relation to what quantum of services available, will present the hazard described in the statute and regulations. At the point where such a hazard is created, further development becomes premature. Although the available services suffice to meet the need of present development, additional development may endanger the well-being of residents both within and contiguous to the development. This section and the statute authorize the Planning Board to find such a subdivision to be premature.

The focus of the inquiry is upon the effect of the proposed development on the community, not the effect of further development in general on the community. Exposing additional households to the risk that emergency vehicles would not be able to respond when services are required or other unacceptable risks may be the basis for a finding of prematurity.

The application of subdivision regulations designed to prevent "scattered" or "premature" development focuses more directly on a particular development, including consideration of the highest and best use of a particular tract of land, the compatibility of a particular use with the remainder of the community, and the protection of the financial interests of the purchasers, subdividers, and the local government unit. A finding that a subdivision of a parcel of land would be premature does not necessarily mean that the land cannot be developed. If the construction of certain off-site improvements is feasible, then the application may be conditionally approved upon the provision of off-site improvements, which would eliminate the hazards that would otherwise cause the development to be premature.

- E. If the owner places restrictions on any portion of the site greater than those required by these regulations, the Site Plan Review Regulations or the Zoning Ordinance, such restrictions or reference thereto may be required to be indicated on the subdivision plan, or the Board may require that restrictive covenants be recorded with the Rockingham County Registry of Deeds in form approved by the Town Attorney.

- F. All subdivision plans shall be reviewed to ensure the protection of environmental quality during and after construction.
1. Dust and erosion shall be prevented through the planting of ground cover or installation of other surfaces.
 2. Each significant natural feature within the site including large or unusual trees, watercourses, natural stone outcroppings, and other scenic features shall require Board approval before removal of such features.

The significant natural attributes and major features of the site listed above, and scenic views (both from the site and onto or over the site), shall be retained to the maximum extent feasible taking economics and cost into account.
 3. Provisions shall be made for adequate storm and surface water drainage facilities in order to properly drain the site while minimizing downstream flooding.
- G. Streets and roads shall be constructed so as to minimize dust, erosion, and run-off conditions that would have a detrimental effect on abutting or neighboring properties.
- H. Grading, paving and storm drainage systems, shall be constructed so that development will not result in erosion/sedimentation of streams, or damage to abutting properties and roads.
- I. Residential abutters shall be protected against undue noise, glare, unsightliness, or other nuisances, which are detrimental to property values.
- J. Adequate pedestrian and bicycle safety and access shall be provided.
- K. Development shall provide for an appropriate opportunity for ground water recharge. This shall be analyzed in light of impervious lot coverage, drainage, and location within identified aquifer as per the Newton Water Resources Management and Protection Program.
- L. Constructed travelways shall be of sufficient width to accommodate existing and prospective traffic, and to afford adequate light, air, and access to buildings for fire fighting apparatus and other emergency equipment.
- M. Developments shall be generally consistent with the Town ' s Master Plan.
- N. All development shall minimize the encroachment of neighboring land uses.
- O. The development of the site shall not change the topography of the land to be developed by the removal of trees, shrubs, soils and rocks, except that which is necessary for the building of the roadways, structures and accessory and incidental development as shown on the plan.

SECTION VIII - PLAN REQUIREMENTS

8.1 SUBDIVISION PLAN

8.1.1 Scope of Review

Every application for subdivision review must incorporate the entire parcel within the review. Not to do so may cause approval of a lot or situation which is not in conformance with the zoning ordinance and/or other applicable ordinances and regulations.

8.1.2 Professional Standards

Subdivision plans shall be prepared, stamped, and signed by a registered Professional Engineer and/or Licensed Land Surveyor licensed in New Hampshire. The requirement for a Professional Engineer shall apply to all plans showing roadways, utilities, bridges and culverts, plus drainage and other construction plans. In specific cases, the Board may waive the requirement for a Professional Engineer in accordance with Section X, Waivers.

8.1.3 Sheet Size

All plans shall be drawn in ink and be presented on sheet sizes that conform to the requirements of the Rockingham County Registry of Deeds. The Board requests only one sheet plan size is used for preparing all plans in a set.

8.1.4 Copies

A completed application shall contain ten (10) copies of the plans. However, only three (3) copies of the drainage report shall be required. The Planning Board may request additional plans when needed.

8.1.5 Specific Plan Information - Existing Site Conditions

In order for the Board to comprehensively evaluate a subdivision plan proposal, the applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with Section X, Waivers. Other information may be reasonably required by the Board and shall be submitted. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Sections 7 and 8 and the purposes of these regulations.

- A. Location of site, names, and addresses of current owners of record and current abutting land owners. A separate list of current names and addresses of abutters must also be provided.
- B. Proposed subdivision name. Name and address of person(s) or firm preparing the plan. Said plan must contain the date of preparation, title, north arrow, scale, legend and zoning district(s). Name and address of person(s) or firm preparing other data and information if different from the preparer of the map. Plans shall also contain a signature block for Board approval.
- C. Surveyed property lines including angles or bearings, distances, monument locations and size of the entire parcel. Said plan must be attested to and stamped by a Licensed Land Surveyor licensed in the State of New Hampshire, signature, seal, and license number shall be legible and included on the plan.
- D. Existing grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than five percent (5%).
- E. The location of existing drainage systems, structures, and drainage easements, if any.
- F. The shape, size, height, location and use of all existing structures, including wells and septic systems, on the site and within 200 feet of the site.
- G. Natural features such as streams, marshes, lakes, ponds, rock outcrops, wooded areas, significant trees, ledge, and other significant environmental features, including wetland soils as defined under current Newton Wetlands Ordinance, wetlands may be identified by a NH certified soil scientist or NH certified wetland scientist.

- H. Man-made features such as, but not limited to, existing roads, stone walls, pedestrian ways, and other structures. The plan shall also indicate which structures are to be retained and which are to be removed or altered.
- I. The size and location of all existing public and private utilities, including off-site utilities to which connection is planned, and any underground storage tanks, abandoned or in use.
- J. A vicinity sketch showing the location of the site in relation to the surrounding public street system, to be shown within a distance of 1,000 feet.
- K. A High Intensity Soil Survey (HISS) of the entire site, or the portion as determined by the Board. Calculations shall be provided and shown on a sheet appropriate to the plan. Such soil survey shall be prepared and stamped by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted. (Amended May 1999)
- L. Location and description of all existing easements and/or rights of way, parks, reservations, conservation land, and holders of conservation easements.
- M. Tax map and parcel number.
- N. Each existing building or manmade structure, including stone fences, shall be shown on the plan and reviewed with the Board for historic significance. Such historic features may be destroyed or removed only with Board approval.
- O. Summary of Newton Zoning Ordinance requirements, including, but not limited to summary of lot size requirements, lot area, frontage, etc.

8.1.6 Specific Plan Information- Proposed Site Conditions

In order for the Board to comprehensively evaluate a subdivision plan proposal, the applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with Section X, Waivers. Other information may be reasonably required by the Board and shall be submitted. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Sections 7 and 8 and the purposes of these regulations.

- A. All drawings, unless otherwise agreed to by the Board, shall be at a scale of one hundred feet to the inch or less.
- B. Proposed grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where grade is less than five percent (5%).
- C. The location for and pertinent data on at least two (2) test pits, 50 feet apart, and of at least one (1) percolation test to show that the regulations in Section 8.2.10,C have been met on each lot created by the subdivision. Information shall include at least the following: the location of the test pits, and outline of the four thousand (4,000) contiguous square feet. area reserved for leach field, percolation test data, the certification of the Town Agent witnessing the tests.
- D. Construction drawings and location, name, width, curbing and paving of proposed streets, drainage ways, and profiles and the elevations of sufficient points on the property to indicate the general topography of the property, driveways and sidewalks with indication of direction of travel for one-way streets. Drawings should include the

radii of streets, driveways, access ways, and sidewalks within the site and its relationship to the off-site street system.

- E. Location and timing patterns of proposed traffic control devices, including painted road indicators, and all signage.
- F. Designs of any bridges or culverts that may be required.
- G. Where the plat submitted covers a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street systems for the part not submitted.
- H. The location, size and layout of on and off-street parking, including loading zones. The plan shall indicate the calculations used to determine the number of parking spaces required and provided.
- I. The location and layout of proposed drainage systems and structures, including elevations for catch basins designed in accordance with these regulations.
- J. Note indicating that "all road and drainage work to conform to the standard specifications for construction in the State of New Hampshire".
- K. The size and location of all proposed public and private utilities, including but not limited to: water lines, sewage facilities, gas lines, power lines, telephone lines, fire hydrants and alarm connection, underground storage tanks, and other utilities.
- L. The location and type of street lighting, including the cone of illumination on the site.
- M. Location and description of proposed easement(s) and/or rights-of-way.
- N. The location and size of all proposed open space areas or parcels to be dedicated to public use and the conditions of such dedication and a copy of such private deed restrictions as are intended to cover part or all of the tract.
- O. Deeds or other proposed documents of conveyance of any land located within the subdivision proposed by the Subdivider for use for recreational or other Town purposes and Town ownership shall be part of the application. These proposed documents of conveyance shall be in a form satisfactory to Town Counsel. The fact that the Subdivider makes such offers and Town Counsel approves the form of the documents does not bind the Town or its agents to accepting the offer. The suitability of lands offered for recreational or conservation uses shall be determined by the Conservation Commission of the Town. A letter indicating the Commission's opinion shall accompany the application.
- P. The Board shall require the additional amenities of a recreation building, park, sidewalks, and off street over-flow parking to all subdivisions with more than 20 homes (including clusters).
- Q. The location of all monumentation that is to be installed in accordance with these regulations shall be shown on the plans. If the monumentation is changed in the field after construction supplemental information shall be filed with the Planning Board to be added to the file. Any change in the actual layout of the lots shall require Planning Board approval in accordance with these regulations.
- R. Any other information the Board may require in order to properly evaluate the proposed development including, but not limited to, the following:

1. Calculations relating to stormwater runoff.
2. Information on the composition and quantity of wastewater generated.
3. Information on air, water, or land pollutants discharged.
4. Estimates of traffic generation.
5. Grading, drainage and erosion and sediment control plan. (See 8.2.2 and Appendix A, for requirements for this submission).
6. Any other plan required under 8.2.
7. Copies of applications for all required state and federal permits.
(Added January 2008)

8.2 TECHNICAL DESIGN STANDARDS - ADDITIONAL PLANS, STUDIES, AND EXHIBITS

This section (8.2) includes design and construction standards for proposed developments within the Town of Newton. Each subsection addresses concerns regarding development on an issue by issue basis. Each issue is addressed in an integrated fashion. The discussions include: the considerations the Board will take under advisement when reviewing a proposal; design criteria; and the need for, and format of, any additional information that shall be submitted. These standards are considered the minimum standards and may be more stringent if needed to secure the protection of health, safety and general welfare of the citizens of the proposed development, the surrounding neighborhood, the Town of Newton, and the region.

These other plans, studies and/or exhibits may be required in an effort to determine the completeness of a subdivision application and its conformity to all applicable ordinances and regulations. The Board may also require the submission of plans, studies, and/or exhibits above and beyond those outlined in 8.1.4 through 8.1.6 as part of their consideration of a complete subdivision review. The cost of reviewing such plans and studies shall be paid by the applicant, in accordance with RSA 676:4, I(g) and Schedule of Fees, B, 4 of the Policies and Procedures Manual of these regulations.

8.2.1 General Standards for Requirement of Additional Information

- A. When the Board determines that the impact of the proposal is not adequately addressed by the minimum submission requirements of 8.1.4-6, or when the proposal may impact a sensitive or critical area (as defined in these regulations at Section 5 Definitions) the Board may require any of the plans, studies, or information exhibits, in this section. Such concerns the Board may consider include, but are not limited to, neighborhood density, environmental sensitivity, etc. Any doubt as to a particular impact shall be resolved in the determination that the impact requires additional information.
- B. These studies must assist the Board in making an informed decision that protects the health, safety and general welfare of the citizens of Newton and the region.
- C. The submission requirements in this section merely list minimum standards for the most often requested information. This section in no way limits the type of plan, study or exhibit, or the depth of such plan, study, or exhibit which may be required by the Board.
- D. All additional submissions shall be presented under the seal or attestation of a professional normally employed for the presentation of such information.

8.2.2 Grading, Erosion and Sediment Control and Plan

The importance of natural drainage patterns is recognized in these regulations. Increases in off-site drainage may cause flood damage, and detrimental impact to environmentally sensitive areas, decreases in off-site drainage may cause detrimental impacts to on and off-site water dependant habitat, and destruction of wetlands. Sedimentation and erosion can also impact environmentally sensitive regions and habitats, and cause property damage for neighboring property owners.

Developments shall not increase, decrease, modify, or alter the normal patterns of off-site drainage, or increase the erosion or sedimentation caused during the development of the site and/or by the eventual development itself. The applicant shall provide for and maintain methods that eliminate any detrimental downstream effect to other property. Developments shall not increase the amount of erosion and sediment in surface waters. For significant or complex developments the Board shall require a plan to address these issues. Realizing that the methods to construct and calculate these facilities and address these impacts are not an exact science, the Board may accept final calculations that have been approved by the Town Engineer.

The applicant shall submit such plans to the Board for any tract of land being developed where one or more of the following conditions are proposed or present:

- A. A cumulative disturbed surface area exceeding 20,000 square feet.
- B. Construction of a street, road, or driveway.
- C. Disturbed environmentally sensitive areas.
- D. Disturbed critical areas.
- E. Standard agricultural and timber harvesting practices are exempt from this regulation.

The Board may waive the requirement for all or part of a grading, erosion and sediment control plan if it determines that a plan is unnecessary because of the size, character, and/or natural condition of a site. All requests for waivers and action thereon shall be made in writing, in accordance with Section X, Waivers.

Description of the design standards, plan requirements, and other relevant criteria can be found in Appendix A, of these regulations. The design standards shall apply to all development projects, regardless of size and/or scope.

8.2.3 Stormwater Management & Plan

Developments shall not increase, decrease, modify, or alter the normal patterns of stormwater drainage caused during the development of the site and/or by the eventual development itself. The applicant shall provide for and maintain methods that eliminate any detrimental downstream effect to other property. For significant or complex developments the Board shall require a plan to address these issues.

- A. The applicant shall submit a Stormwater Management Plan to the Board for any tract of land being developed where one or more of the following conditions are proposed or present:
 - 1. A cumulative disturbed area exceeding 20,000 square feet.
 - 2. Construction of a street, road, or driveway.

3. Disturbed environmentally sensitive areas.
4. Disturbed critical areas.
5. Standard agricultural and timber harvesting practices are exempt from this regulation.

The Board may waive the requirement for all or part of a Stormwater Management Plan if it determines that a plan is unnecessary because of the size, character, and/or natural condition of a site. All requests for waivers and action thereon shall be made in writing, in accordance with Section X, Waivers.

- B. Where it is determined that the additional runoff incidental to the development will overload or significantly increase an existing downstream drainage facility, the Board may require the provision of drainage easements or other improvements (i.e., retention/detention ponds and/or facilities) necessary to alleviate such problems. All required drainage improvements and/or facilities shall be designed to accommodate a 25-year storm event. Drainage calculations shall be prepared in conformance with the guidance document, NH Department of Environmental Services, Stormwater Manual Volume 2: Post-Construction Best Management Practices Selection and Design (December, 2008), as amended. Any off-site improvement necessitated by the development will have to be secured and completed prior to the construction of the development.
- C. Description of the design standards, plan requirements, and other relevant criteria can be found in Appendix A, of these regulations. The design standards shall apply to all development projects, regardless of size and/or scope.

8.2.4 Driveway, Access, Road Design and Traffic Technical Design Standards

Traffic access to the site from town streets shall ensure the safety of vehicles and pedestrians. These regulations are adopted in accordance with RSA 236:13, having received authorization to review subdivisions under RSA 674:35. Furthermore, these regulations are adopted in accordance with RSA 674:36 as they relate to not only to safety of driveway and access but to the harmonious development of the municipality and its environs specifically with respect to access onto town designated scenic roads. These regulations supplement the standards provided in Section XXXIV Access Management of the Town of Newton Zoning Ordinance. (Amended October 2012) The design and construction standards for driveways and points of access are as follows:

A. Driveways and Access Points

The Board shall approve the design for a proposed access/egress point onto the public way. Said point shall provide an adequate sight distance, grade, width and curb. Sight distance and other specifications shall be determined in accordance with the more restrictive of the current NH DOT standards as found in Tra 302 Driveway Permits, as amended, or under the following requirements.

1. Access to Town Roads
 - (a) Access to town roads or proposed roads shall meet the requirements set forth in Section XXXIV Access Management of the Town of Newton Zoning Ordinance. (Added October 2012)

- (b) Any driveway constructed, in Newton, shall have a -3% grade for the first 6 feet and no gradient shall exceed 10% negative or positive.
- (c) All Roads constructed, in Newton, shall have a 2 ½ inch Binder and a 1 ½ inch wear coat for a total of 4 inches compacted.
- (d) Driveways shall not be constructed within building setbacks or within wetland setbacks, unless deemed appropriate by the Planning Board with respect to the zoning ordinance or in the case of a common driveway. (Amended October 2012)
- (e) In the case where a common driveway is proposed, the following requirements shall apply. (Amended June 2007, October 2012)
 - (i) As part of any waiver request, the applicant shall present language that releases the town from any liability for failure to access any site served by the common driveway with safety vehicles and equipment due to substandard construction, lack of maintenance, negligence on the part of any land owner served by the common driveway, and failure to maintain all season passability. Such language shall be placed on the recorded Mylar.
 - (ii) Where a common driveway serves four or more houses the roadway shall be built to town specifications, except that the Planning Board may consider a minor reduction in width requirements, not to exceed 20%.
 - (iii) To the maximum extent possible, the shared portion of the drive shall follow the shared lot line.
(Added June 2007)

2. Related Improvements

- (a) The Board may require improvement of existing access/egress point(s) in order to provide safe traffic flow onto abutting streets, should increased traffic be generated by the proposed development.
- (b) Off-site improvements may be required, such as increasing pavement width or adding deceleration lanes, curbing and signaling devices, in order to mitigate hazardous impacts that are generated by the particular needs and impacts of the site.
- (c) Grades shall be constructed downward from the highway surface at a grade of not more than -3 percent, for at least one car length of 6 meters, or 20 feet or to the existing ditch line, and shall slope up or down not more than 3 percent - a further distance sufficient to accommodate expected vehicle storage. The grade shall not be more than 3 percent up or down beyond the curb line a distance sufficient to accommodate expected vehicle storage. The slope of the highway cross-section shall also be taken into account and highway drainage shall not be impeded. In the driveway beyond the approach area referred to above, the maximum grade of any driveway for an entrance shall be 8 percent. The algebraic difference between any two adjacent grades in a driveway shall not exceed 10 percent. Slopes on either side of a driveway shall be

gradual enough to minimize the hazard to a vehicle leaving the state maintained highway for any reason.

3. Safety Requirements

- (a) Traffic circulation, pedestrian access, parking and any loading facilities, and emergency access shall be designed and located in a manner which ensures maximum safety in the subdivision.
- (b) Driveways shall be located in such a manner as to promote all season safe access and to prevent unreasonable negative impacts to the owners or occupants of neighboring parcels.

4. Private Roads

Private streets serving developments shall remain in private ownership and the developer shall provide legal instruments to insure their continued maintenance and ownership. All private roads shall comply with these and other town regulations relating to construction and maintenance.

5. Access to State Highways

Driveways and access onto State highways shall be designed in accordance with the NH Department of Transportation's Administrative Rules Tra 302, as amended, and receive approval thereunder prior to final town approval of the subdivision plan.

B. Scenic Roadway Driveway Permits

No driveway shall be permitted on a scenic road designated in accordance with RSA 231:157 unless permitted in accordance with these regulations.

- 1. Driveways on scenic roads shall meet or exceed all requirements of 8.2.4.
- 2. Plans for driveway location within the town right-of-way, including stone walls to be relocated or removed, and trees to be removed, must be submitted to the Conservation Commission for review prior to Final Subdivision approval. The Conservation Commission may submit comments to the Board regarding siting, mitigation efforts such as though required by subsection (3) below. These comments shall be incorporated into the decision of the Planning Board, unless specifically rejected by majority vote.
- 3. To the maximum extent possible significant trees and stone walls in the town right-of-way must be maintained. Where the driveway crosses any existing stone wall, the stones must be used to upgrade the existing wall where possible, under the direction and by approval of the Conservation Commission.
- 4. Nothing in this section shall limit or affect the rights of any landowner with respect to work on his/her own property.

C. Road Design Standards and Criteria.

All newly proposed roadways and modifications to existing roadways shall be built in accordance with the requirements as found in Appendix B - Road Design Standards and Criteria of these regulations, as amended from time to time. The requirements of

Appendix B are incorporated herein by reference in their entirety and may be waived in accordance with these regulations.

D. Traffic Analysis.

All proposed developments shall be reviewed by the Board to ascertain that adequate provisions have been made by the owner of his/her agent for traffic safety. To facilitate this review, the applicant may be required to provide a traffic impact analysis when deemed necessary by the Board due to the size, location, or any other traffic generating characteristics of the development. Description of the design standards, plan requirements, and other relevant criteria can be found in Appendix A, of these regulations.

8.2.5 Sidewalks and Bikeways

Sidewalks and/or bikeways, where appropriate, shall be provided for pedestrian traffic to provide connection between the subdivision and nearby destinations. Sidewalks shall be at least six (6) inches above grade and shall be protected by curbing. Sidewalk designs shall include means for handicapped access. The Board shall consider the following when determining the appropriateness of sidewalks:

- A. Proximity to schools.
- B. Whether recreational facilities and land is available within the subdivision.
- C. Proximity to commercial destinations, including but not limited to, restaurants, stores, shops, etc.
- D. Proximity to other pedestrian or bikeways, including abandoned ways or sidewalks.

8.2.6 Landscaping Design and Plan

The Town of Newton requires attention to landscaping design in order to protect and preserve the appearance, character, and value of the surrounding neighborhoods by providing a better transition; by improving the compatibility between various land uses in the Town; and by buffering neighboring properties and areas from any adverse effects of site development.

These regulations shall mitigate the appearance and detrimental impact of non-residential uses. Any application of these regulations shall protect the value and provide for quiet enjoyment and nuisance-free use of neighboring properties.

- A. To the extent feasible, naturally landscaped buffer strips of 25 feet must be preserved where a proposed residential development abuts non-residential zones or uses. This buffer shall adequately shield the residential properties from the adverse effects of the non-residential use. No roads shall be located within any part of this buffer zone.

Where appropriate, existing trees and vegetation must be incorporated into the buffer strips or landscaping design. Buffer strips must contain vegetation which will screen the view from adjacent residential property during all seasons; this screening must exclude visual contact between uses and create a strong impression of the separation of spaces. Fencing alone may be considered an acceptable method of screening only if granted a waiver in accordance with Section X, Waivers.

- B. Where appropriate or required, subdivisions shall be planned to provide that natural vegetation be retained as a buffer along environmentally sensitive areas such as watercourses, wetlands, and standing waters, in accordance with sound environmental practices, as described by the Department of Environmental Services. Appropriate

landscaping along designated Scenic Roadways is strongly encouraged and any tree removal shall only be permitted in accordance with state and local Scenic Roadway provisions.

- C. Pre-existing or non-conforming lots which are the subject of subdivision shall not be subject to the landscaping recommendations or requirements described above.

8.2.7 Protection of Natural and Historic Features

- A. Each significant natural feature within the site including large or unusual trees, watercourses, natural stone outcroppings, and other scenic features shall be shown on the plan. It is recommended that such significant features be preserved in the development of the site.
- B. Each existing building or manmade structure, including stone fences, shall be shown on the plan and reviewed with the Planning Board for historic significance. Such features will not be destroyed or removed without Planning Board approval.
- C. Where subdivisions impact or access via designated Scenic Roads, mitigative measures shall be taken to preserve the scenic quality of such roads. These measures may balance the needs and requirements for safety and health, but should only minimally consider economic expediency.

8.2.8 Bridges

Bridges must be built according to the N.H. Department of Transportation manual, Standard Specifications for Road and Bridge Construction dated 1990 and as amended. All bridge plans must be approved by the State Engineers prior to construction.

8.2.9 Fire Protection

Fire hydrants, fire ponds, and other improvements reasonably required for fire safety shall be provided as specified by the Newton fire department and approved by the Planning Board. These items shall be shown on the site plan and installed by the applicant.

The Planning Board in its discretion may require the applicant to consult with the Newton Fire Department to determine what, if any, appropriate fire protection measures are reasonably necessary. The applicant shall provide the Planning Board with the results of such consultation in the form of a letter or representations of facilities on the plan. The Planning Board may require additional fire protection measures in addition to the Newton Fire Departments recommendation if reasonably necessary.

Selectmen's Ordinances (Passed March 2005, Added September 2008)

A certified sprinkler system to be installed in all new commercial and industrial buildings and/or units thereof which have a square foot area of 5,000 feet or over in accordance with NFPA 13, Installation of Sprinkler Systems.

A certified sprinkler system to be installed in, as defined in the Newton Zoning Ordinance, all new Senior and Elderly Housing Units. The system shall be installed in accordance with NFPA 13R, (Sprinkler Systems in Residential Occupancies up to and including four stories in height) and/or NFPA 13D, (Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes).

8.2.10 Water, Wells, On-site Sewage, and Hydrogeological Studies

A. Water

1. On-site water supply: the provision of an on-site water supply shall conform to criteria of the Drinking Water and Groundwater Bureau of the N.H. Department of Environmental Services and Board of Selectmen Ordinances.

Selectmen's Ordinance (Passed March 1987, Added October 2012)

All portions of a proposed septic system must be designed to be at least 100 feet from all wells on the property and adjacent properties. Any waiver from this regulation must be in writing at the time of submittal of the septic system design for approval.

2. It shall be the responsibility of the applicant to provide sufficient and complete information to prove that the site is able to permit the installation and operation of both individual on-site water supply and sewage disposal systems.
3. A hydrogeologic study, as described in Appendix A, shall be required for any well with a withdrawal of over 20,000 gallons per day.

B. Well Radius Placement

1. Each newly created lot shall show the entire well radius protection area as required by the State Department of Environmental Services rules and Board of Selectmen Ordinances.
2. The entire required well radius shall be located within the boundaries of each newly created lot.
3. Well radius easements covering neighboring parcels are not permitted in new subdivisions. This insures:
 - (a) Protection of health and safety for individual on-site water resources from adverse impacts of land uses on adjacent and neighboring parcels.
 - (b) Allows for maximum flexibility in the placement of septic systems and other land uses on neighboring parcels of land.
 - (c) Promotes the wise and free use of property unencumbered by easements.

C. Sewage

1. No subdivision plan shall be approved where the site does not meet the minimum standards imposed by the Subsurface Systems Bureau of the N.H. Department of Environmental Services, Board of Selectmen Ordinances, and the design standards for sewage systems in Appendix A.
2. Each site or lot proposed for residential development shall have at least two test pits, separated by at least fifty (50) feet. The test pits shall establish the existence of a contiguous area of 4,000 square feet, or larger per Env-Ws 1014.01 et seq., suitable as a receiving layer for a leaching system. At least one test pit and percolation test area must be located within this area. This

area shall be shown on the plan. The Board requires that all test pits be verified by its designated agent. The entire 4,000 square foot area must meet or exceed all applicable regulations, local, state or federal, for the installation of a septic system. That is, no portion of the contiguous area must be unavailable for the installation of a septic system for any reason.

3. A hydrogeologic study, as described at Appendix A, shall be required for a development where a septic system is being designed to accommodate 2,500 gallons per day, or more.
- D. Any development that requires a community well for water must adhere to the following rules (Added September 2008):
1. No water may be piped to any area outside the development.
 2. No water may be trucked off the development.
 3. The quantity of water to be drawn must be approved by the Planning Board and listed on the recorded plan sheets.
 4. All applications for water franchises must appear before the Planning Board and Health Officer for review before application to the State.
 5. All community wells following the above rules shall be listed on the recorded plan sheets.

8.2.11 Utilities

- A. The applicant proposing a residential development shall insure the installation of all electric, telephone, and other utility distribution lines per specifications of the public utility companies involved, and easements required for transformer units shall be provided by the developer.
- B. The Planning Board may, in its discretion, reasonably require underground utilities.

8.2.12 Easements

- A. All easements dedicating rights to the Town of Newton are subject to review and approval by the Board and Town Counsel, and any other Town agent or body which the Board and/or Counsel deem necessary.
 1. Where the topography is such as to make difficult the inclusion of any utilities or other facilities within the road rights-of-way, the subdivision plan shall show the boundaries of the proposed permanent easements over or under private property. Such easements shall not be less than twenty five (25) feet in width and shall have satisfactory access to existing or proposed rights-of-way.
 2. Where a proposed residential development is traversed by a watercourse or drainage way, the Board may require a stormwater easement or drainage right-of-way of at least twenty five (25) feet in width.

8.2.13 Open Space Requirements

In accordance with RSA 674:36, II, a subdivision of land shall show open spaces of adequate proportions. Plats, submitted to the Planning Board for approval, which show new streets or

narrowing or widening of such streets shall show a park or parks suitably located for playground or other recreational purposes that are reasonably sized for neighborhood use.

- A. Natural Features. The subdivision and development shall, whenever possible, preserve in their natural condition important natural features. The Planning Board may request an advisory opinion from the Conservation Commission in the determination of the value of natural features and the boundaries of such natural systems. Such areas include watercourses, wetland areas, steep slopes, large or unique trees, groves, or special habitats. Natural features that provide buffers between lots, or sections, of a subdivision should be preserved to enhance privacy and aesthetic value.
- B. Buffer Strips. The Planning Board may require the designation of buffer strips of at least fifty feet width around surface water, wetlands, or other natural features which may be adversely affected by erosion or stormwater runoff. The Board may require a vegetative buffer to provide screening where non-residential developments abut a residential zone.
- C. Parks. The Board may require the dedication or reservation of such open space within the subdivision for park, playground or other recreational or open space purposes, for the residents of the subdivision.

The Board shall also require of the developer that he/she supply and plant such trees and shrubbery as are deemed compatible to the environmental design of the neighborhood. It shall also be stipulated by covenant upon the plan that such open spaces shall not contain signs other than street directional or place-name signs. Upon approval of the final plans and plantings, if the park is dedicated for public use, the maintenance of said landscaped areas shall be the responsibility of the community. If the park is solely for subdivision use, the maintenance of said landscaped areas shall be the responsibility of the residents of the subdivision.

- D. Tree Planting. The planting of shade trees within all subdivision layouts where residential, commercial, or industrial development is to take place may be required of the developer who shall supply planting plans to the Board. The planting plans of shade trees within proposed or accepted rights-of-way must be submitted to the Conservation Commission and receive its approval before planting.
- E. Alternative Funding. A developer may opt to contribute funds to the Town of Newton for the purpose of developing recreational opportunities for and related to the need of the residents of the proposed subdivision. The analysis for determining the impact and required amount of funds to offset that impact shall be in accordance with Section 8.4 Off-Site Improvements.

8.2.14 Monumentation Requirements

Concrete or granite monuments shall be placed at all street intersections, points of radius of curvature, and every 1000 feet in a straight-line right-of-way. Concrete or granite monuments shall be used at property corners. Iron pins shall be set at every angle in a property line not a corner. All plans are required to provide the total boundary footage in addition to the measurement points and note that bounds need to be four feet in length with four inches above grade. (Amended April 2005)

As part of the subdivision plan a permanent reinforced concrete marker may be required by the Planning Board. If so required, it shall be placed at the edge of each road boundary at their terminus of the subdivision as reference for all locations and elevations and every twenty-five hundred (2,500) feet within the subdivision or at other locations specified by the Town.

8.2.15 Other State, Federal, and Local Requirements

The following State permits may be required as applicable:

- A. N.H. Department of Environmental Services, Subsurface Systems Bureau septic system design approval.
- B. NH Department of Environmental Services, Wetlands Bureau Fill and Dredge in Wetlands Permit (RSA 482-A).
- C. N.H. Department of Transportation driveway access permit.
- D. N.H. Department of Environmental Services, Waste Management Division, Underground Storage Tank (UST) Program permit for underground storage tanks as regulated by RSA 146-C.
- E. N.H. Department of Environmental Services, Alteration of Terrain Bureau permit.
- F. Any other State or Federal permits required.

Where the application requires State or Federal permits, the applicant shall provide copies, to the Planning Board, of all correspondence between the applicant and the agency from which the permit is sought. (Amended May 1999)

8.2.16 Flood Hazard Areas (Added June 2008)

Subdivision proposals involving land designated as Special Flood Hazard Areas (SFHA) by the National Flood Insurance Program (NFIP) shall be reviewed to determine whether such proposals will be reasonably safe from flooding and shall meet the following requirements.

- A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- B. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
- C. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - 1. all such proposals are consistent with the need to minimize flood damage;
 - 2. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - 3. adequate drainage is provided so as to reduce exposure to flood hazards.

8.3 LOT SHAPE AND SIZE REGULATIONS

These regulations are adopted to assure conformance with the requirements and intents and purposes of the Zoning Ordinance. These regulations affect lot shape and size within a proposed subdivision to the extent they create conditions specific to the subdivision that assure safe, convenient, and prosperous developments for the current owner and all subsequent residents, the provision of adequate access for safety vehicles, additional areas for each lot necessary to accommodate on-site septic facilities, provide for

clarity of ownership, and to prevent the occurrence of zoning violations caused by poorly designed lot shapes.

These regulations carry out the intent of the zoning ordinance and provide clarity and flexibility in the administration of the requirements of the zoning ordinance where questions are left unresolved. They are not meant to supplant the zoning ordinance and may be waived in accordance with Section X, Waivers.

8.3.1 Intent and Purposes for Lot Shape and Size Regulations

The intent of these regulations is to enhance and insure consistency with the Newton Zoning Ordinance; including lot size, frontage, and the 125 foot width requirement. (Amended October 2012)

Purposes

- A. Lots shall be shaped in a manner that promotes clarity of ownership, access across fee-title land rather than easement interests which may promote destructive property disputes, and to promote the convenient and harmonious development of the land.
- B. The layout of lots which violate these purposes is not permitted.
- C. The close proximity of narrow portions of lots that will create a situation that reduces privacy and increases congestion and overcrowding of the land are not permitted.
- D. The close proximity of house sites tend to create conflicts among the use of the land, including maintenance disputes, use disputes, and property ownership disputes between landowners and is not permitted.
- E. Confusedly shaped lot cannot reasonably be interpreted to be an orderly layout of the land or insure that proper description of ownership or ease of identification will carry forward in time are not permitted.

8.3.2 Lot Shape

- A. Lots shall be shaped in a manner that promotes clarity of ownership
- B. No portion of a lot between the dwelling unit site and the street upon which the lot has frontage shall be less than 100 feet in width.
- C. To the maximum extent possible all new lots shall be rectangular in nature.
- D. No portion of a lot created under these regulations shall be less than 75 feet in width.

8.3.3 Minimum Lot Sizes

In the absence of municipal water or sewerage facilities, minimum lot sizes within all subdivisions shall, in addition to meeting the requirements of the Zoning Ordinance for the district wherein the subdivision is proposed, also meet the lot size requirements specified in Table 8.3.6, "Minimum Lot Size by Soil Classification." Any lot that is required to be oversized, by a decision of the Board, due to geological aspects, including but not limited to wetlands or other geographic irregularities, as proposed on a plan set will have a notation added as well as to the deed.

This requirement is subject to the following qualifications:

- A. Where more than one soil type is found on a lot, a soil carrying capacity of those soils occurring on the lot shall be used to determine the minimum lot size.

B. Wetlands may be used as part of the computed lot size according to the following:

1. Areas designated as poorly drained soils (type B hydric) may be utilized to fulfill the Town's minimum lot size requirement provided that a contiguous non-wetland area of at least 30,000 square feet is provided for each building lot. All upland square footage counted towards the total required minimum must be contiguous and not separated by wetlands or geographic irregularities. This contiguous non-wetland area must be sufficient in size and configuration to adequately accommodate all housing and required utilities such as sewage disposal, water supply, and all applicable setbacks. Sufficient configuration means that the upland portion of the lot must be shaped to reasonably accommodate the contemplated facilities; that is, no narrow or oddly shaped portions that prohibit use by overlapping setback requirements, or by the narrowness itself.
2. Areas designated as very poorly drained, freshwater marsh, or alluvial soils may not be utilized to fulfill the minimum lot size.
3. No septic system, leach field or other waste disposal facility shall be installed within seventy five (75) feet of the edge of any poorly drained soil (type B hydric) or any very poorly drained soil (type A hydric) or one hundred (100) feet of open water.
4. There shall be no filling of wetlands for the purpose of providing the minimum distance between the wetlands and sewage disposal systems.

C. To permit some flexibility for alternative development and housing opportunities, the Town of Newton enacts these regulations to balance this opportunity with high standards of water resource protection. Minimum lot sizes for residential developments with greater than four (4) bedrooms per unit and for commercial and industrial developments shall be determined as follows:

1. For multi-family residential use, the minimum lot size shall be proportionately smaller than the lot size indicated in Table 8.3.6 as determined by the following formulas:

Number of 1 and/or 2 bedroom units = Area of each soil type on the lot divided by (lot size from Table 8.3.6 x .80).

Number of 3 bedroom units = Area of each soil type on the lot divided by (lot size from Table 8.3.6 x .95).

2. For duplex use, where the total number of bedrooms in the building shall not exceed 4, the lot size shall be increased by 75% of the minimum lot size as determined by Table 8.3.6.
3. For commercial and industrial uses with residential-type waste, the lot sizes will be determined by the formula:

$$\text{Lot Size (sq. ft.)} = \frac{Q \text{ (gpd)}}{200 \text{ gpd}} \times \text{Lot Size from Table 8.3.6.}$$

where: Q = gallons of wastewater to be discharged per day. The amount of flow will be determined by use of Env-Ws 1008.02 Average Daily Flow

Volume.

4. Final site plan approval for commercial/industrial developments which generate wastes of such nature and character as to require state or federal permits for pre-treatment and discharge or sub-surface disposal shall not be granted until all such permits are secured provided, however that conditional approval may be granted per RSA 676:4, I (i). The conditions upon which such permits are issued shall comply with state and local regulations and be made part of the record before the Planning Board.
5. Any lot that is required to be oversized, by a decision of the Board, due to geological aspects, including but not limited to wetlands or other geographic irregularities, as proposed on a plan set will have a notation added as well as to the deed.

8.3.4 Determination of Soil Type

- A. Tests for determining soils information for use in this Section shall be performed by a qualified soil scientist using on-site inspections. A report and plan shall be prepared by the qualified soil scientist and filed with the Planning Board.
- B. Soil data using the standards of High Intensity Soil Maps of New Hampshire shall be provided as part of the subdivision plan at the scale and dimensions required. Any cover letters or explanatory data provided by the qualified soil scientist shall also be submitted.
- C. Such tests shall be performed with the advice and under the direction of the Planning Board or its designated agent.
- D. All costs of performing such investigations shall be borne by the subdivider.

8.3.5 Relationship Between State and Local Regulations

Where both State and local regulations are applicable, the more stringent regulation shall apply. If the State regulation addresses an issue not included in the local regulation or if the local regulation addresses an issue not included in the State regulation, that regulation shall automatically apply.

8.3.6 Table of Minimum Lot Size by Soil Classification

Soil Type	B	C	Slope	D	E
111-H	35500	42000		51500	68000
112-H	35500	42000		51500	68000
11X-H	68000	76000		86000	100000
121-H	35500	42000		51500	68000
122-H	35500	42000		51500	68000
12X-H	68000	76000		86000	100000
161-H	35500	42000		51500	68000
16X-H	68000	76000		86000	100000
211-H	35500	42000		51500	68000
212-H	35500	42000		51500	68000
213-H	68000	76000		86000	100000
21X-H	68000	76000		86000	100000
221-H	44500	56000		68000	86000
222-H	44500	56000		68000	86000
223-H	68000	76000		86000	100000
22X-H	68000	76000		86000	100000
231-H	44500	56000		68000	86000
233-H	68000	76000		86000	100000
23X-H	68000	76000		86000	100000
241-H	68000	76000		86000	100000
243-H	68000	76000		86000	100000
24X-H	68000	76000		86000	100000
251-H	68000	76000		86000	100000
253-H	68000	76000		86000	100000
25X-H	68000	76000		86000	100000
261-H	44500	56000		68000	86000
263-H	68000	76000		86000	100000
26X-H	68000	76000		86000	100000
275-H	44500	56000			
311-H	44500	56000		68000	86000
312-H	44500	56000		68000	86000
313-H	68000	76000		86000	100000
31X-H	68000	76000		86000	100000
321-H	44500	56000		68000	86000
322-H	44500	56000		68000	86000
323-H	68000	76000		86000	100000
325-H	68000	76000			
32X-H	68000	76000		86000	100000
331-H	44500	56000		68000	86000
333-H	68000	76000		86000	100000
33X-H	68000	76000		86000	100000
341-H	68000	76000		86000	100000
343-H	68000	76000		86000	100000
34X-H	68000	76000		86000	100000
351-H	68000	76000		86000	100000
353-H	68000	76000		86000	100000
35X-H	68000	76000		86000	100000

Soil Type	Slope			
	B	C	D	E
361-H	44500	56000	68000	86000
363-H	68000	76000	86000	100000
36X-H	68000	76000	86000	100000
375-H	44500	56000		
411-H	44500	56000	68000	
412-H	44500	56000		
413-H	68000	76000		
41X-H	68000	76000		
421-H	68000	76000	86000	
422-H	68000	76000	86000	
423-H	68000	76000	86000	
42X-H	68000	76000	86000	
431-H	68000	76000		
433-H	68000	76000		
43X-H	68000	76000		
441-H	68000	76000		
443-H	68000	76000		
44X-H	68000	76000		
451-H	68000	76000		
453-H	68000	76000		
45X-H	68000	76000		
461-H	68000	76000		
463-H	68000	76000		
46X-H	68000	76000		
475-H	68000			
511-H	44500	56000	68000	
512-H	44500	56000		
513-H	68000	76000		
51X-H	68000	76000		
521-H	68000	76000	86000	
522-H	68000	76000	86000	
523-H	68000	76000	86000	
52X-H	68000	76000	86000	
531-H	68000	76000		
533-H	68000	76000		
53X-H	68000	76000		
541-H	68000	76000		
543-H	68000	76000		
54X-H	68000	76000		
551-H	68000	76000		
553-H	68000	76000		
55X-H	68000	76000		
561-H	68000	76000		
563-H	68000	76000		
56X-H	68000	76000		
575-H	68000			

The soil types listed below have one or more limiting characteristics that make the soil type "NA" or require on-site investigation, no matter what other characteristics of the soil may be present.

<u>Soil Type</u>	<u>Minimum Lot Size</u>
6***H	NA, very poorly drained soil, Type A hydric
*66*H	NA, fill does not meet the Standards for Fill Material (see Key to Soil Types)
76**H	On-site evaluation needed

The Soil Type symbols are explained in High Intensity Soils Maps for New Hampshire, Standards and Origins. SSSNNE Special Publication No. 1.

"NA" means not allowed.

"*" means any slope or any number.

8.4 OFF-SITE IMPROVEMENTS

Pursuant to RSA 674:36, the Board may require special improvements on or off-site which it deems reasonably necessary or desirable for the conditions or circumstances relative to the particular subdivision plan review. Any such special requirements shall be stated in writing in the minutes of the Board with the reasons therefor. The Board may require, either that the applicant construct the improvements in whole or in part, or reimburse the municipality or any other party who, at the direction of the municipality, undertakes such improvements. The applicant's responsibility for such improvements is limited to that portion of the cost of the improvements which bears a rational nexus to the needs created by, and special benefits conferred upon, the site, taking into consideration the municipality's ability to pay for such improvements.

8.5 FINAL APPROVAL (Amended August 2008)

8.5.1 Items Required for Final Approval

The Board will not give final approval to a site plan review application until the following items, if applicable, have been submitted and reviewed by the Board or its designated agent.

- A. Draft language of any protective covenants where the applicant proposes to regulate land use within the development or otherwise protect the proposed development.
- B. Warranty deeds conveying to the Town any streets, right-of-way, and sites dedicated for private use. Such conveyances shall be in fee simple form, free from all encumbrances. These documents shall be reviewed by Town Counsel prior to approval of the plan. These conveyances may need the town legislative body approval.
- C. As a condition of the Board's approval, the applicant shall execute an agreement which specifies the terms and understandings between the parties with respect to the terms of approval.
- D. For subdivision proposals which involve the construction of a roadway, monumentation shall be installed as part of the construction of the roadway. (See 8.2.14.)
- E. Establishment of monetary value of required performance guarantee and inspection fee. These guarantees shall be subject to Town Counsel review as provided in Section IX, Performance and Maintenance Guarantee. Monetary values shall be subject to an inflationary increase at the time of posting. (Amended January 2008)

- F. Payment in full of all administrative, engineering review, recording fee and public notice fees.
- G. Any required federal, state, or local approvals or permits.
- H. In order to facilitate the on-going development and maintenance of the Town's files, these regulations require applicants to submit, in addition to a recordable mylar, a digital format of the final plan including but not limited to, subdivision plan, lot line relocation plan or lot line verification plan, that conforms to the Town specifications.

Waiver of the requirement to submit a plan in a digital format may be granted by a two-thirds vote of the full membership present and voting of the Planning Board.

Specifications

Electronic data: acceptance of the digital version of the final plan shall be based on the following:

1. Data format shall include digital parcel lines parcel areas, public easements, wetlands delineations, aquifer boundaries, utility easements and when building outlines are surveyed these shall be included as well.
2. Data shall be submitted in .PDF format (Portable Document Format).
3. Files shall be referenced by Newton Tax Map #, Block # and Lot #.
4. If additional plan review should be required; the applicant shall complete outstanding requirements and provide the Town with updated plans.

SECTION IX - PERFORMANCE AND MAINTENANCE GUARANTEE

9.1 POSTING OF PERFORMANCE GUARANTEE

The Board, under advice from the Town Engineer, shall set the amount and type of the performance guarantee prior to the final approval of the subdivision plan. The developer shall post such guarantee with the Town prior to the scheduling of a preconstruction meeting and the issuance of any building permits for the site. The guarantee shall cover the estimated cost of constructing and installing all site improvements, including, but not limited to: street work (both public and private roads), drainage facilities, parking and/or loading facilities, landscaping, and other utilities.

The basis for determining the performance guarantee shall be 100% (one hundred) of the costs of all required site improvements, plus any other funds necessary for the completion of ancillary work as conditioned by the Board's approval. The amount shall be reviewed and approved by the Board. Time limitations shall be imposed upon completion of the improvements of the site in accordance with the approval and 9.2. Bonding shall not be considered a vesting of rights, nor shall posting of a bond be considered "active and substantial development or building". Failure to commence work on site improvements within the specified time limits will result in one of the following situations a forfeiture of the performance guarantee in favor of the town in order to complete the required improvements, or; the need to post a new guarantee prior to construction, or; revocation of the approved plan pursuant to RSA 676:4-a.

Performance Guarantees must be represented in a written agreement with, and acceptable to, the Board, and Town Counsel. This provision insures proper and legally binding agreements and appropriate economic assurance for the protection of the Town of Newton and its citizens.

The Board may accept the following methods of posting a performance guarantee:

(Amended January 2008)

- A. Cash or a savings passbook held in the name of the Town and deposited with the Town Treasurer.
- B. A letter of credit in an amount and manner acceptable to the Board after consultation and approval by Town Counsel.

The approved bond value shall be re-evaluated at the time of posting, prior to the issuance of any building permits for the site, and at each request for bond reduction. Bond value shall be subject to an inflationary increase at each re-evaluation. (Added January 2008)

9.2 RELEASE OF PERFORMANCE GUARANTEE

Upon inspection of a partial completion of required improvements, the Board may authorize in writing a reduction in the performance guarantee up to an amount equal to the work completed. The Town shall retain sufficient funds for the current cost to complete the remaining improvements as indicated by a qualified contractor's bid estimate approved by the Board, plus a retainage of 20% (twenty) of the original performance guarantee amount which shall be kept until all required improvements have been inspected and accepted by the Town. If the costs for completing the required improvements exceed the amount of performance guarantee held by the Town, additional funds shall be required by the Board, in order to ensure completion before the development proceeds any further. The retainage shall be held until the completion of all required improvements have been inspected and approved by the Board should progress toward the completion of all required improvements fall substantially behind the mutually agreed upon timetable, the Board may obtain a completion cost estimate, at the applicant's expense, from:

- A. The developer's contractor; or
- B. A qualified contractor of the Board's choice.

If the estimated completion costs exceed the amount of the performance guarantee posted with the Town, the developer shall post an additional performance guarantee as is necessary to complete the required improvements. The developer shall post such guarantee within thirty (30) days of notice thereof.

The performance guarantee (or balance thereof) shall not be released until the Board (or its agent) has certified completion of the required site improvements in accordance with the approved final plat, and Town Counsel has reviewed and approved all deeds governing land to be used for public purposes, as well as all easement agreements for the site.

Installation of all required improvements shall be completed within two (2) years of the date of the final plan's approval, unless the time frame is extended by mutual consent of the applicant and the Board. If the required improvements are not satisfactorily installed within the mutually agreed upon timetable, the posted performance guarantee shall be forfeited by the applicant.

Prior to the return of the balance of the performance guarantee, the Town's Building Inspector, Code Enforcement Officer, or designee, shall certify that all site improvements have been installed as per the approved site plan. Furthermore, the developer shall certify that the "as built" location of all newly installed utilities is in conformance with the approved subdivision plan. Any change in location of the utilities shall require the submission of "as built" plans indicating the actual location of the newly installed utilities.

9.3 MAINTENANCE BOND

For roads proposed to be accepted by the Town, the Board will not release the performance guarantee until a maintenance bond is in place. The Town will require a maintenance guarantee (as permitted in

9.1, A and B), covering the maintenance of public roads and other public improvements for a period of two (2) years from the date of acceptance as a town-maintained road (Amended May 2012), in an amount no less than 10% and no more than 20% of the improvement costs. If repair or unusual maintenance is needed or additional improvements are required then such costs as are necessary shall be drawn against said guarantee.

SECTION X – WAIVERS (Amended August 2008)

10.1 GENERAL

Where the Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the foregoing regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to 7, 8, and 9 of these regulations. The purpose of granting waivers under provisions of these regulations shall be to insure that an applicant is not unduly burdened as opposed to merely inconvenienced by said regulations. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that all of the following apply:

- A. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.
- B. The waiver will not, in any manner, vary the provisions of the Newton Zoning Ordinance, Newton Master Plan, or Official Maps.
- C. Such waiver(s) will substantially secure the objectives, standards and requirements of these regulations.
- D. The Board may grant a waiver from any portion of these regulations when, in the opinion of a majority of the members of the Board present and voting, find that:
 - a) Strict conformity would pose an unnecessary hardship to the applicant; and
 - b) The grant of the waiver would not be contrary to the spirit and intent of the ordinance.

Factors to be considered in whether strict conformity with the regulations would pose an unnecessary hardship may include:

- 1. Topography.
- 2. Site features.
- 3. Geographic location of the property.
- 4. The Board's familiarity with the property, and whether the additional information or will or will not significantly assist the Board in its review.
- 5. Size/magnitude of the project being considered.
- 6. The unreasonable expense of complying with the requirement.
- 7. The Board's practice of granting such a waiver to similarly situated applicants does not constitute precedence for future similar waivers.

10.2 CONDITIONS

In approving waivers, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of these regulations.

10.3 PROCEDURES

A petition for any such waiver shall be submitted in writing by the applicant using the Request for Waiver of Subdivision/Site-Plan Regulations form for Board review. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the applicant.

SECTION XI - PENALTIES

The Town will seek enforcement and all penalties statutorily permitted under RSA 676:17, including but not limited to the following:

Per RSA 676:17, as amended, any person, firm or corporation violating any of the provisions of these regulations shall, for each violation, upon conviction thereof, pay a fine as permitted by statute. This fine shall accumulate from the date of conviction, or the date on which the violator receives written notice from the Town of the violation, whichever is earlier. The Town may seek all statutory remedies as permitted under RSA 676:17, or other appropriate law or regulation.

In accordance with RSA 676:17, II, the Town shall also seek costs and reasonable attorney's fees in any action to enforce these regulations or in defense of any appeal in which the Town is found to be the prevailing party.

SECTION XII - VALIDITY**12.1 INTERPRETATION**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

12.2 CONFLICTING PROVISIONS

Where any section of these regulations conflicts with another section, or with any other local regulations or ordinance, the requirement imposing the greater restriction or higher standard shall apply. In addition, the fact that a requirement under these regulations is less restrictive than a federal or state regulation or statute does not relieve an applicant from compliance with the terms of such regulation or statute, unless specifically authorized by said regulation or statute.

12.3 SAVING CLAUSE

If any section, clause, provision or portion of these regulations shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision or portion of these regulations.

SECTION XIII - EFFECTIVE DATE

These regulations, and amendments, shall take effect in accordance with the requirements of RSA 675:6, as amended. These regulations shall replace all previous regulations pertaining to the subdivision of land which are hereby repealed with the adoption of these regulations.

APPENDIX A**I. Construction Plan**

- A. The following items shall be shown on the construction plan:
1. Profiles showing existing and proposed elevations along center lines of all roads.
 2. Where a proposed road intersects an existing road, the elevation along the center line of the existing road(s) within (300) three hundred feet of the intersection.
 3. Radii of all curves, lengths of tangents, and central angles on all streets.
 4. Plans and profiles showing the locations and typical cross-sections of street pavements, including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins.
 5. Location of street trees, street lighting equipment, and street signs.
 6. Location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems and exact location and size of all water, gas or other underground utilities and structures.
 7. Location, size, elevation, and other appropriate description of any existing facilities or utilities including, but not limited to, existing streets, septic disposal facilities, sewers, drains, water mains, wells, easements, water bodies, watercourses, and other pertinent features, such as surface drainage areas, swamps, railroads, buildings, at the point of connection to proposed facilities and utilities within the site.
 8. The water elevations of adjoining water bodies or watercourses at the date of survey, and the approximate high and low water elevations of such water bodies and watercourses.
 9. Topography at the same scale as the existing site conditions plan with a contour interval of two (2) feet, referred to sea level datum. All data provided shall reference the latest applicable U.S. Coast and Geodetic Survey datum and should be noted on the plan.
 10. All other applicable provisions and references of the public works specifications

II. Drainage, Erosion and Sedimentation Control

- A. General. The purpose of this regulation is to control soil erosion and sedimentation resulting from site construction and development. Subdivision and site plans shall include plans for controlling erosion and sedimentation as provided below.
- B. Design standards - erosion and sedimentation control. The following standards shall be applied in planning for erosion and sedimentation control:
1. All erosion and sediment control measures in the plan shall meet the design standards and specifications set forth in the NH Department of Environmental Services, Stormwater Manual Volume 3: Erosion and Sediment Controls During Construction (December, 2008), as amended.
 2. Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.

3. Appropriate control measures shall be installed prior to removal of vegetation.
4. The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than thirty (30) days shall be stabilized by appropriate measures.
5. Measures shall be taken to control sediment and retain it within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Very poorly drained soils and water bodies shall be protected from sediment.
6. Off-site surface water and runoff from undisturbed areas shall be carried non-erosively through the project area, or diverted away from disturbed areas where feasible.
7. Naturally occurring streams, channels and wetlands shall be used for conveyance of runoff leaving the project area.
8. All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within thirty (30) days.

C. Plan requirements - Erosion and Sediment Control.

1. Preliminary Plan Requirements. A preliminary plan is optional. If submitted, it shall include the following:
 - (a) Site drawing of existing and proposed conditions:
 - (i) Locus map showing property boundaries;
 - (ii) North arrow, scale and date;
 - (iii) Property lines;
 - (iv) Easements;
 - (v) Structures, utilities, roads and other paved areas;
 - (vi) Topographic contours;
 - (vii) Critical areas;
 - (viii) Waterways, bodies of water, drainage patterns, and watershed boundaries;
 - (ix) Vegetation;
 - (x) Soils information from Soil Conservation Service published data or, where High Intensity Soil Maps are used, a conversion to a soil series map done by a Certified Soil Scientist;
 - (xi) Erosion and sediment control measures;
 - (xii) Areas of soil disturbance.
 - (b) Narrative section including discussion of each measure, its purpose, construction sequence, and installation timing as they apply to the site.
2. Final Plan Requirements. The Board shall require each of the following in the final plan unless specifically waived:
 - (a) Site drawing of existing and proposed conditions:
 - (i) Locus map showing property boundaries;
 - (ii) North arrow, scale and date;
 - (iii) Property lines;
 - (iv) Structures, roads, utilities, earth stockpiles, equipment storage, and stump disposal;
 - (v) Topographic contours at two-foot intervals;

- (vi) Extent of 100-year flood plain boundaries if published or determined;
 - (vii) Soils information from Soil Conservation Service published data or, where High Intensity Soil Maps are used, a conversion to a soil series map done by a Certified Soil Scientist;
 - (viii) Easements;
 - (ix) Areas of soil disturbance.
 - (x) Areas of cut and fill
 - (xi) Areas of poorly and/or very poorly drained soils including any portion to be disturbed or filled;
 - (xii) Location of all structural and vegetative erosion and sedimentation control measures;
 - (xiii) Identification of all permanent control measures.
- (b) Narrative section including:
 - (i) Construction schedule;
 - (ii) Earth movement schedule;
 - (iii) Description of temporary and permanent vegetative measures including seeding specifications;
 - (iv) Description of all structural erosion and sedimentation control measures, with detailed drawings of each;
 - (v) Design calculations for all temporary and permanent structural control measures;
 - (vi) A proposed schedule for the inspection and maintenance of all measures;
 - (vii) Identification of all permanent control measures and responsibility for continued maintenance.
 - (viii) Calculations showing volume, peak discharge, and velocity of, present and future runoff.
- D. Responsibility for installation/construction. The applicant shall bear final responsibility for the installation, construction and disposition of all erosion and sediment control measures required by the provisions of this regulation. The Board may require a bond or other security as described in Section IX. Site development shall not begin before the erosion and sediment control plan is approved and the control measures are installed as scheduled in the approved plan.
- E. Maintenance. The applicant shall maintain all soil erosion and sediment control measures, including devices and plantings as specified in the approved plan, in effective working condition. Responsibility for maintenance by subsequent owners of the property on which permanent measures have been installed shall be included in the deed and shall run with the land. If the owner fails to adequately maintain such measures, the Town shall have the authority to perform required maintenance. The cost of such work shall be borne by the owner.
- F. Plan approval and review. The Board shall indicate its approval of the erosion and sediment control plan, as filed, if it complies with the requirements and objectives of this regulation. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.

Technical review of any erosion and sediment control plan prepared under this regulation shall be reviewed by the consulting engineer at the applicant's expense.
- G. Inspection. Inspection shall be made by an agent of the Board during development to ensure compliance with the approved plan and that control measures are properly installed or performed and maintained. The costs of such review shall be borne by the applicant.

- H. Other Required Permits. In addition to local approval, the following may be required:

RSA 485-A:17 requires a permit from the N.H. DES Land Resources Programs for any person proposing to significantly alter the characteristic of the terrain, in such a manner as to impede natural runoff or create an unnatural runoff. Regulations require this permit for any project involving more than 100,000 contiguous square feet of disturbance or if such activity occurs in or on the border of the surface waters of the State.

III. Stormwater Management Plan

- A. General. The purpose of this plan is to address the effects of the proposed development on the existing stormwater drainage situation and capacity. These plans will often be required in conjunction with an erosion and sedimentation control plans.
- B. Plan Requirements. The following standards and requirements shall meet and submitted as part of the stormwater management plans.
1. Calculations of stormwater displacement and flow shall be calculated for a 25 year storm event. All facilities and mediation methods must be designed to accommodate a 25 year storm event.
 2. The effects of stormwater drainage on downstream drainage facilities.
 3. Methods and provisions to eliminate any overload or significant increase in downstream facilities.
 - (i) Drainage easements.
 - (ii) Retention/detention ponds.
 - (iii) Any other facilities.
 4. Appropriate methods to extend and/or connect the proposed drainage system to adjacent land whether or not such land is developed.
 5. Appropriate accommodation of potential upstream development.
 6. Preservation of natural watercourses within the existing watershed drainage basin.
 7. Post-development surface runoff shall be equal to pre-development runoff rates.
- C. Plan approval and review. The Board shall indicate its approval of the stormwater management plan, as filed, if it complies with the requirements and objectives of this regulation. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.
- Technical review of any stormwater management plan prepared under this regulation shall be reviewed by the consulting engineer at the applicant's expense.
- D. Inspection. Inspection shall be made by an agent of the Board during development to ensure compliance with the approved plan and that management measures are properly installed or performed and maintained. The costs of such review shall be borne by the applicant.

IV. Traffic Impact Analysis

- A. Traffic interior and exterior circulation, access and egress, adequacy of adjacent streets and intersections, entrances and exits, traffic flow, sight distances, accident statistics, curb cuts, turning lanes, and existing or recommended signalization.
- B. Amount, nature, and impact of traffic generated by the proposed development.
- C. Pedestrian safety, interior and exterior circulation, access and egress.
- D. Off-street parking and loading.
- E. Emergency vehicle access.
- F. The Board may retain the services of a consultant qualified in traffic planning to review the traffic impact analysis and to ensure that adequate provisions are made in the development plan to reduce or eliminate those impacts. The Board may further require, pursuant to RSA 676:4 I(g) that the developer reimburse the Town for reasonable costs of this review. No plan shall be approved until such fees, if applicable, are paid in full.

V. Parking Design Standards

- A. Parking areas must be constructed to the following specifications:
 - 1. Loam and/or yielding material must be removed to a depth *of no* less than 12 (twelve) inches below the final grade.
 - 2. A bank run gravel sub-base of six (6) inches must be applied and compacted, followed by a six (6) inch base of crushed gravel, which is then compacted and rolled true to grade lines with a roller.
 - 3. A one (1) inch binder course and a one (1) inch wearing surface of bituminous concrete and pavement must be installed with a self propelled mechanical spreader and rolled by a tandem roller.
 - 4. The minimum grade for parking areas shall be .5%, and the maximum grade shall be 5%.
 - 5. Parking areas must have adequate landscaping within the site and adjacent to loading facilities.
- B. Regarding the above construction standards for parking areas, the Board may consider waiving the standards and approving an alternative upon review and approval from the Board engineer.

VI. On-site Sewage System Design

- A. Regarding the installation of on-site sewage disposal systems, the following design standards shall apply:
 - 1. Subsurface sewage disposal systems under 2,500 gallons/day must be designed by a septic system designer, licensed in the State of N.H., or a Professional Engineer. All systems must be designed in accordance with the most recent edition of Subdivision and Individual Sewage Disposal System Design Rules as published by the N.H. Subsurface Systems Bureau of the Department of Environmental Services. (Env-Wq1000).
 - 2. Systems over 2,500 gallons/day shall be designed by a permitted designer who is also a civil or sanitary engineer licensed in the State of New Hampshire. All systems are to be constructed in accordance with the most recent edition of the Subdivision and

Individual Sewage Disposal System Design Rules as published by the Subsurface Systems Bureau of the Department of Environmental Services. (Env-Wq 1000).

3. The Town of Newton, in an effort to protect from preventable elements of pollution and any other discharge into the environment, and to protect and improve water quality, incorporates the following requirements (as found in Env-Wq 1000 et seq.) as the minimum standards for design of on-site sewage systems in Newton. Any modification of these requirements, even if approved by the State shall require a waiver in accordance with Section X, Waivers.

Table SP-1 - Minimum Standards for Distances in Septic Systems
(All distances in feet)

System Element	SHWT	Impermeable Subsoil	Bedrock	Hydric B Soils	Hydric A Soils
Leaching field	2' above	6' above	6' above	75' lateral	75' lateral
Receiving area	N/A	2' above	3' above	75' lateral	75' lateral

4. In addition to the natural permeable soil requirement, fill material may be added when needed to raise the bottom of the leaching area above seasonal high groundwater table or impervious substratum. The fill material shall be a medium to coarse textured sand (0.5 to 1. mm) with a uniformity coefficient (as determined by a sieve analysis) greater than four (4). In addition to the above, any fill must also meet the requirements of Env-Ws 1014-01 (b-e).

VII. Hydrogeologic Study

- A. A hydrologic study shall, at a minimum, provide the following:
 1. A hydrologic mapping of local groundwater flow, aquifer characteristics, including but not limited to, elevation, transmissivity, and boundaries.
 2. Existing background water quality.
 3. The location of abutter water supply wells and septic systems.
 4. The location and capacity of the proposed septic system(s).
 5. Estimates of the transport of contaminants from any septic system(s) and of constituent concentrations (i.e. nitrates) at the property boundary and at the abutter's water supplies.
 6. The hydrologic studies shall be performed by qualified hydrologists, hydrogeologists, or other qualified professionals. All water testing is to be performed at EPA approved laboratories.

APPENDIX B - ROAD DESIGN STANDARDS AND CRITERIA**1. Road Design and Construction Requirements**

- 1.1 The arrangement, character, extent, width, grade and location of all streets and roads in the Town of Newton shall be in harmony and conformance with existing and proposed streets as determined by the Planning Board. Public safety, convenience, topographical features, environmental, and town planning considerations will guide the Planning Board in its determinations.
- 1.2 The arrangement of streets in a subdivision shall:
 1. Provide for the continuation or appropriate projection of existing or planned streets in surrounding areas; or
 2. Conform to a plan for the area approved and adopted by the Planning Board to meet a particular situation where, because of topographical or other localized conditions, continuance of or conformance to existing or planned streets may be impracticable.
- 1.3 Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate nor bear phonetic resemblance to the names of existing streets within the Town of Newton.
- 1.4 Reserve strips of land which, in the opinion of the Board, show intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.
- 1.5 Where a proposed street abuts an existing street with an inadequate alignment or right-of-way, the subdivision plat shall include in the street dedication all land needed to meet the standards established by these regulations, and as approved by the Planning Board.
- 1.6 The plan of any proposed subdivision shall show all work required to connect and complete the improvements and utilities between the proposed street pattern and any connecting street in an existing subdivision.
- 1.7 Except where it is impracticable, because of the character of the land, streets shall intersect so that within 75 feet of the intersection the street lines are at right angles, and the grade within 100 feet of the intersection does not exceed 1%. No structure or planting shall impair corner viability.
- 1.8 All streets shall be constructed and paved, and all bridges, culverts, drainage structures, storm sewers, gutters, drainage ditches and other improvements required shall be installed in conformance with the standards and specifications adopted by these regulations and any other standards adopted by the Town of Newton. Standard Specifications for Road and Bridge Construction (most recent edition), State of New Hampshire, Department of Public Works and Highways, is adopted as part of these Regulations.
- 1.9 There shall be adequate width and area on every lot after erection of a residence to permit the parking within the lot of at least two cars for each family dwelling unit.
- 1.10 All streets in a subdivision shall be identified by street names at the intersection of all streets. The street names shall be attached to an approved sign pole. All dead end streets shall be identified by a sign stating "DEAD END". This sign shall be installed on the right hand side of the street at the street intersection on an approved sign pole.

2. **Design Standards**

- 2.1 The subdivision plat shall conform to the design standards set forth herein, the purpose of which is to encourage good development patterns within the Town of Newton.
- 2.2 The widths of blocks shall be between 200 feet and 600 feet. The lengths shall be between 600 feet and 1,200 feet.

The lengths, widths and shapes of blocks shall be determined with due regard for:

1. The provision of adequate building sites suitable to the special needs of the type of use planned.
 2. The zoning requirements of the Town of Newton.
 3. The needs for such factors as convenience of access-egress, traffic circulation, control and public safety.
 4. All lots shall have a minimum of 30,000 contiguous square feet of dry land.
- 2.3 Pedestrian walkways may be required by the Planning Board where deemed essential to provide for public safety and adequate access to community schools, playgrounds, shopping areas, large employers or other community facilities.

The following design standards shall apply to all pedestrian walkways:

The sub-base for a sidewalk shall be at least twelve (12) inches of bank run gravel, thoroughly compacted. All stones larger than three (3) inches in diameter shall be removed.

The finish may be either bituminous concrete laid in two (2) courses, a base course one and one-half (1½) inches thick after rolling, or a top course one (1) inch thick after rolling.

- 2.4 The following design standards shall apply to all proposed streets in the Town of Newton:

Class	Min Row	Min Paved	Min Shoulder	Max Gradient	Minimum Centerline Curve Radius
A. Major Collector	100'	28'	8'	6%	700'
B. Minor Collector	60'	24'	6'	7%	400'
C. Local Service	50'	24'	4'	8%	150'

Major collectors are those streets which carry traffic from minor streets to arterial streets (state roads). Minor collectors are those streets which carry traffic from local service roads to major collectors. Local service roads are those which are used primarily for access (frontage) to abutting properties.

Minimum gradient shall be one half of one percent (0.5%). The Planning Board may modify the maximum and minimum gradient for short lengths of streets where, in its judgement, existing topographic conditions or the preservation of natural features indicate that such modification will result in the best subdivision of land.

The Planning Board may require greater right-of-way width where, in its judgment, the demands of present or future traffic make it desirable, or where topographic conditions create a need for greater width for grading purposes and/or snow storage purposes.

- 2.5 Street jogs with centerline offsets of less than 150 feet shall be avoided, and will not be allowed by the Planning Board unless unusual topographic conditions require a reduction of this standard.
- 2.6 Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 75 degrees.
- 2.7 Intersecting roadway pavements shall have a minimum paved transitional area of 20 feet at all corners in order to safely accommodate turning movements. For all intersections in commercial and industrial areas, this paved area shall have a minimum radius of 50 feet. However, where traffic conditions necessitate additional paved transitional area at intersections, these minimum radii may be increased at the Planning Board's discretion.
- 2.8 No dead end street shall be no more than more than 1000 feet in length including the turn-around.

The turn-around of a dead end street shall have a minimum radius of 75' to the outside edge of the right-of-way and a minimum radius of 62' to the outside edge of the pavement. The turn-around shall be designed as a reverse "p" or as a centered bubble and shall be designed to prevent runoff from crossing the paved area. The center of the turn-around shall be a vegetated area.

If the Planning Board deems there to be a reasonable likelihood of a near-future connection, a hammerhead or "T" turn-around design will be permitted. The dimensions of the above turn-around designs are appended to these regulations.

All dead end roads shall have provisions for future extension to a through road. This requirement may be waived where the developer can demonstrate that this extension is not feasible.

At the discretion and recommendation by the Planning Board, the construction of dead end (no outlet) roads in the Town of Newton are allowed to be built without length restriction, as long as said road serves no more than ten (10) homes, has adequate fire protection on the road, and each individual lot has its own fire protection on it, as is deemed necessary by the Planning Board. This amendment is created to give an alternative to the dead end road length restriction in this section. (Amended June 2004, June 2007).

- 2.9 All subdivision streets shall be designed to provide safe vehicular travel while promoting maximum residential livability and attractiveness. Adequate provision shall be made for potential street extension to adjoining properties; however, local service streets shall be laid out so as to minimize their use by through traffic.
- 2.10 The design of drainage facilities must be properly sized. Unless otherwise specified by the Board, the facility type and design storm frequency are as follows:

1. Major streams, rivers, bridges, culverts	for the 50-year storm
2. Minor brook culvert	for the 25-year storm
3. Water detention facilities	for the 50-year storm
4. Storm drain/catch basin	for the 25-year storm

Major streams are defined as those which appear on USGS 7.5" (scale 1:24000) quadrangle maps for the Town of Newton.

3. Required Street Improvements

- 3.1 The subdivision development shall conform to the construction requirements set forth herein, the purpose of which is to encourage good street construction standards within the Town of Newton.
- 3.2 All topsoil, stumps, brush, roots, boulders and like materials shall be stripped or removed from the proposed subgrade area. The subgrade shall be shaped and compacted evenly to a depth of at least 26 inches below the finished surface of streets as shown on the profile. All soft or spongy places shall be excavated to such depth as shall be necessary to stabilize the foundation of the road and shall be refilled solidly with sub-base material as required.
- 3.3 The base shall not be laid until the subgrade has been inspected and approved by the Board Engineer.

A 22 inch base layer shall be required, such base to be constructed of an 16 inch base layer of run gravel and six (6) inches of crushed gravel, or its equivalent, laid in three (3) to six (6) inch courses. The completed base shall conform to the line and grades as indicated on the profiles and cross-sections.
- 3.4 Embankments shall be formed of suitable material placed in successive courses of not more than 12 inches each for the full width of the roadway cross-section, and shall be compacted sufficiently and uniformly so as to avoid settlement. Stumps, trees, rubbish and other unsuitable materials shall not be placed in the fill. The fill shall be allowed to thoroughly settle before applying gravel base material.
- 3.5 Under-drains shall be installed where the character and composition of soils and slopes in the right-of-way render such installations necessary. Under-drains shall consist of perforated metal or fiber pipe and shall be laid in the bottom of a trench at such depth and width as may be necessary. The trench shall be filled with clean bank run gravel, or its equivalent.
- 3.6 Storm drains, culverts and related installations shall be installed so as to permit unimpeded flow of all natural and any created watercourses. Drainage facilities shall be installed so as to insure adequate drainage of all low points along streets at intervals reasonably related to the extent and grade of the area to be drained.
- 3.7 All drainage installations shall be sized to adequately accommodate the runoff from 25 year storm events for roadway cross drains and 10 year storm events for other drainage facilities. Runoff calculations may be computed utilizing any method acceptable to the Rockingham County Soil Conservation Service.
- 3.8 Paving or stone shall be provided in drainage ditches where soil or slope conditions warrant such erosion protection.
- 3.9 The cost of upgrading any Town road giving access to a subdivision and any other improvements required by the Planning Board shall be borne by the Subdivider.

4. Procedure for Road Inspections

Each of the following operations shall be completed, inspected by the Board Engineer and approved before the next is begun, as listed below:

- 4.1 After the clearing, stumping, muck removal, and all work prior to subgrade construction.
- 4.2 After the subgrade has been constructed.
- 4.3 After the utilities and drainage have been constructed. (Note: Nothing will be covered until it

has been inspected by the Board Engineer).

- 4.4 After the application of gravel, just prior to paving and loaming.
- 4.5 Final inspection (after loaming and seeding).
- 4.6 A road inspection application must be submitted for each phase of road construction (reference Appendix B) a road inspection report prepared by the Board Engineer shall be submitted to the Planning Board and the applicant regarding all inspection results.
- 4.7 Fees-in accordance with RSA 676:4, I(g), reasonable fees in addition to fees for notice under 676:4, I(d), may be imposed by the Board to cover administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular applications. The Planning Board shall require the applicant to deposit in escrow with the town an amount sufficient to cover the costs of any professional review or preparation. Upon completion or review or study process any unused funds in excess of \$50.00 shall be returned to the applicant. Failure of the applicant to deposit such funds with the town within fifteen (15) days of the date of the written notification shall be sufficient basis for the Planning Board's denial of the application.